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REC'D TN
REGULATORY AUTHORITY
Charles L. Howarth, Jr.
Regulatory Vice President

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OFFICE OF THE
EXECUTIVE SECRETARY

January 10, 2001

Mr. David Waddell
Tennessee Regulatory Authority
460 James Robertson Pkwy.
Nashville, TN 37243-0505

RE: In the Matter of Notice of Rulemaking Amendment of Regulations For Telephone Service Providers. Docket No. 00-00873

Dear Mr. Waddell:

Enclosed for filing are Industry Member's suggested revisions to the proposed rules which will be addressed during Workshop I. No rules other than those specifically referred to in the filing have been addressed, nor should any inferences be made from these suggestions as to such remaining rules.

This filing was the result of a conference call and discussion among the listed Industry Members.¹ Because of the wide range of interests of the parties, complete consensus was neither expected nor achieved. However, the Members were able to agree on a large number of issues that are memorialized in the consensus filing. The Members submit they should be given great weight as they are the result of agreements between parties with disparate and, often times, conflicting interests.

One caveat should be noted, however. Given the breadth of the subject matter covered, there were some issues that, although the parties recognized a need for change, the specifics of such change could not be fully resolved in the time allowed. Thus, an attempt was made by the drafting party to propose a resolution in the consensus draft. These draft proposals may not satisfy all parties and they are free to make and should present their position on any such matter. Again, because of the schedule we are under there was simply not sufficient time to make sure all of these issues were, or could be, resolved. Further, as noted in the Suggested

¹ E-Spire and X-O Communications were invited to join the conference call but because of conflicts or other reasons could not do so. A copy of the Suggested Revision was provided to them, however.

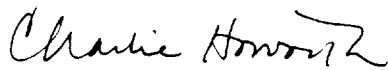
Revisions, the fact that a particular provision of these rules is neither underlined or stricken through is not an indication that an Industry Member does not object to that provision. Rather, it may only indicate that the Industry Members were unable to reach a consensus as to how the provision(s) should be modified.²

The end result is that the members have undertaken in good faith to resolve those issues that could be resolved and, failing that, are providing under separate cover their individual responses to the portion of the proposed rule in issue.

With the foregoing predicate, the Industry members would make one final point: The Industry members believe that we have made a substantive and important effort in reading the consensus revisions and that they should be recognized and acted upon as such.

On behalf of the Industry Members,

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charlie Howorth".

Charles L. Howorth, Jr.

Enclosures

² For example, the Industry Members disagree as to the inclusion of §1220-4-2.09 and their position thereon shall be included in their respective comments.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

Re: In the Matter of Notice of Rulemaking Amendment of Regulations for Telephone Service Providers

Docket No. 00-00873

**"INDUSTRY MEMBERS'" CONSENSUS SUGGESTED REVISIONS TO
THOSE PROVISIONS OF THE PROPOSED RULES THAT
WILL BE ADDRESSED DURING WORKSHOP I**

Pursuant to the Order the Hearing Officer entered in this docket on December 15, 2000, the following entities ("Industry Members") have jointly reviewed those provisions of the proposed rules that will be addressed during Workshop I on January 16, 2001:

Admore
ASCENT
AT&T
BellSouth Telecommunications, Inc.
CenturyTel
Citizens Communications
e.spire
Loretto
MCI WorldCom, Inc.
NewSouth Communications Corporation
SECCA
Sprint Communications Company L.P.
TEC Companies
TDS Telecom
Time Warner Telecommunications
United
United Telephone-Southeast
U.S. LEC
XO Communications

This document sets forth the Industry Members' consensus suggested revisions to the proposed rules as follows.

I. EXPLANATION OF CONSENSUS SUGGESTED REVISIONS

Each proposed rule that will be addressed during Workshop I is set forth below. To the extent that the Industry Members have reached a consensus regarding proposed revisions to these rules, the proposed revisions are indicated by either striking through language that should be deleted from these proposed rules or by underlining language that should be added to these proposed rules. The fact that a particular provision of these rules is neither underlined nor stricken through is not an indication that an Industry Member does not object to that provision. Rather, it may only indicate that the Industry Members were unable to reach a consensus as to how the provision should be modified. In such instances, each Industry Member reserves the right to address such provisions during Workshop I and to file written comments regarding such provisions.

II. CONSENSUS SUGGESTED REVISIONS

1220-4-2-.01

Definitions

In the interpretation of these rules, the following definitions shall be used:

- (1) As used in this rule, the term "Applicant" means a person requesting ~~service through Lifeline or Link-Up service.~~
- (2) "Authority" or "TRA" means the Tennessee Regulatory Authority.
- (3) "Basic Local Exchange Telephone Service" means telecommunications services as defined in Tenn. Code Ann. § 65-5-208 (a)(1).
- (4) "Busy season" means the period of the year during which the greatest volume of traffic is handled in the office.
- (5) ~~"Carrier of last resort" means the required offering of ubiquitous basic local exchange services throughout a designated service area by an ETC qualified to receive federal and state universal service support using its own facilities or a combination of its own facilities and resale of another carrier's services, including the services offered by another ETC.~~

"Carrier of last resort obligation" means the obligation, imposed by order of the Authority pursuant to 47 U.S.C. §214(e)(3), to provide services that are supported by Federal universal service support mechanisms under 47 U.S.C. §214(c) to an unserved community or any portion thereof that requests such service.

- (6) "Customer" means any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., provided with telephone service by a local telecommunications service provider.
- (7) "ETC" means eligible telecommunications carriers as defined in USCA Title 47, Section 214(e) and ~~is certified~~ as designated by the Authority to receive state or federal universal service support as an eligible telecommunications carrier for a service area designated by the Authority.
- (8) "Exchange" means a unit established by a local telecommunications service provider for the administration of telephone service in a specified area which usually embraces a city, town, or village and its environs. It consists of one or more central offices together with associated plant used in furnishing communication service in that area.
- (9) "Incumbent local exchange ~~carrier~~ telephone company" means a public utility offering and providing basic local exchange telephone service, as defined by TCA §65-5-208(a)(1), pursuant to tariffs approved by the Tennessee Public Service Commission prior to June 6, 1995.
- (10) "Lifeline" means an income-tested telephone assistance program whereby qualified residents can obtain a ~~discount on~~ credit applicable to their basic monthly local telephone service.
- (11) "Link-a-Up" means an income-tested telephone assistance program whereby qualified residents can obtain a ~~discount~~ credit on the one-time charge for the installation or the transferring of telephone service.
- ~~(12) "Local Number Portability ("LNP") means the ability of a customer to retain the same telephone number when changing local telecommunications service providers, as long as the customer stays within the same general geographic area."~~¹
- ~~(13) "NANPA" means the North American Numbering Plan Administrator appointed by the FCC with the responsibility to oversee the administration of the telephone numbering system for North America.~~

¹ Given the current level of activity in the industry at both the federal and state levels with regard to numbering issues, the Industry Members suggest that the TRA not adopt rules on this subject. Otherwise, the TRA may have to initiate a rulemaking proceeding each time a new FCC order is issued in order to bring such rules into compliance with the then-current state of the law.

- (124) "Peak-traffic hour" means the period of the day during which the greatest volume of traffic is handled in the telephone central office.
- (135) "QSM" means quality service mechanisms designed to penalize ETCs for repeatedly providing poor quality telephone service by monetarily compensating the appropriate customer.
- (146) "Rate Center" means a geographic location used by telecommunications carriers to establish the point to point mileage necessary for accurate and consistent billing for both local and toll calls.
- (176) "Local Reseller" means a Local Telecommunications Service Provider which ~~purchases tariffed network services from a facility based carrier to provide local and/or long distance service to end users~~ telecommunications services from another telecommunications carrier for the purposes of providing telecommunications services to the public.
- ~~(18) "Sequential Number Assignment" means the assignment of telephone numbers within one 1,000 block prior to assigning telephone numbers from another unused 1,000 block of numbers.~~
- (179) "Service area" means the ~~franchise geographic area where an incumbent local exchange carrier~~ in which a local telecommunications service provider provides basic local exchange telecommunications services within the State of Tennessee.
- (1820) "Soft dialtone" means local service limited to access to emergency 911 service.
- (1924) "Tariff" means the entire body of rates, tolls, charges, classifications and rules, adopted and filed with the Authority by a telecommunications service provider.
- (202) "Local Telecommunications Service Provider" means any provider of local exchange service as defined in Tenn. Code Ann. §65-4-101(c) and includes, but is not limited to, incumbent local exchange carriers ("ILEC"), competitive local exchange carriers ("CLEC") and resellers. To the extent that a telecommunications service provider provides interexchange services, that telecommunications service provider is not a local telecommunications service provider.
- (213) "Telephone Assistance Program" refers to Lifeline and Link-Up.
- (224) "Trouble Report" means any oral or written report from a subscriber or user of telephone service relating to a physical defect or to difficulty or dissatisfaction with the operations of telephone facilities. ~~One report shall be counted for each oral or written report received even though it may~~ Reports which duplicate a previous report or merely involve an inquiry concerning progress on a previous report shall not be counted as a trouble report. Also, a separate report shall be

~~counted for each telephone reported in trouble when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.~~

~~(25) "Uncontaminated 1,000 Number Blocks" means a clean block of 1,000 numbers from which no individual telephone numbers have been assigned.~~

~~(236) "Underlying carrier" means the telecommunications service provider carrier supplying the tariffed telecommunications services or facilities to that a local reseller for the provisioning of basic or long distance service provides to the public.~~

1220-4-2-.02 Scope of Regulations

The purpose of this Chapter is to establish minimum quality of service standards and general regulations for all local telecommunications service providers providing telecommunications service, as defined in this Chapter. The regulations are designed to ensure that Tennesseans continue to have access to quality telephone services in an emerging competitive telecommunications environment. This Chapter attempts to balance our state's policy of pro-competition in the telecommunications sector with the service quality expectations of our citizens as well as privacy concerns.

1220-4-2-.03 Records and Reports

(1) Location of Records.

Unless otherwise authorized by the Authority, all records of local telecommunications service providers required by this Chapter or any other Authority rule shall be kept within the State or shall be made available to the Authority or its authorized representative upon request, ~~at no cost. If out of state travel is required by the Authority to view such records, the telecommunications service provider shall reimburse the Authority for reasonable travel expenses.~~

(2) Retention of Records

Local telecommunications service providers shall maintain sufficient records necessary to verify and substantiate all requirements of this Chapter. ~~These records include, but are not limited to, trouble reports, service orders, itemized customer billing records, customer deposits and customer complaints. All records required by this Chapter shall be retained for a period of two (2) years unless otherwise ordered by the Authority.~~

(3) Out-of-Service Report

- (a) Local telecommunications service providers are required to notify the Authority by the methods listed below regarding disruptions of service when greater than 1000 customers lose service for greater than four (4) hours. In the event of such a disruption, the local telecommunications service provider shall

~~1. Contact the Authority within two (2) hours of the service disruption or if during non work hours, at the beginning of the succeeding workday and provide the location of the disruption, number of customers affected, and estimated restoral time.~~

2. provide a written report within thirty (30) days of the incident to the Authority detailing the disruption along with actions the Local Telecommunications Service Provider has or shall take to prevent a similar disruption from occurring again.

(4) Tariffs

- (a) Telecommunications service providers shall file with the Authority tariffs that set forth the conditions and circumstances under which services will be provided as prescribed in Chapter 1220-4-1.

- (b) A telecommunications service provider shall make available a copy of its tariffs available for public inspection. Public inspection shall also may include, but not limited to, having a copy of the tariffs available on the Internet.

(5) Exchange Maps

ETCs shall file with the Authority an exchange area map for each of its exchanges within the state clearly showing the boundary lines sufficient in detail to reasonably permit locating the exchange service area in the field.

(6) Wireline Reports

Until the Authority deems it unnecessary to continue doing so, each Local Telecommunications Service Provider shall provide to the Authority a summary of its wireline activity within the State on the first working day of each month quarterly in a format established by the Authority. This information shall allow the Authority to monitor the evolution of local competition within Tennessee. Because these reports contain confidential and competitively sensitive information, they shall be treated as Proprietary by the TRA and shall not be subject to public disclosure.

~~(7) Telephone Number Utilization Reports~~

~~Each Local Telecommunications Service Provider shall provide telephone number utilization data to the Authority on the forms provided by the Authority, as authorized by the Federal Communications Commission.~~

(78) Service Reports

Each Local Telecommunications Service Provider shall furnish to the Authority, upon reasonable notice and in the form the Authority may reasonably request, at such time and in such form the results of any tests, summaries or records or any other information as the Authority may reasonably require. Nothing in this rule shall be construed as requiring any telecommunications service provider to waive any common law or statutory privilege or objection, including without limitation the attorney-client privilege.

(89) Adequacy of Service Reports

Each ETC shall submit to the Authority quarterly reports in a format established by the Authority that will allow the Authority to determine how well it is complying with the adequacy of service standards found in 1220-4-2-.17. The reports shall be itemized by month by local exchanges at the state-wide level. The Authority may conduct periodic audits or require the ETCs to hire an independent firm to verify accuracy of service standard reporting.

(910) Interruption of Service Reports

Each Local Telecommunications Service Provider shall maintain an accurate record of trouble reports made by its customers. This record shall include such information as the customer name, and the time, date and nature of the trouble along with the action taken by the Local Telecommunications Service Provider to clear the trouble or satisfy the complaint. This record shall be available to the Authority or its authorized representative upon request.

(101) Miscellaneous Reports

Upon reasonable notice, Telecommunications Service providers shall provide any other report ordered by the Authority or reasonably requested by the Staff through the Executive Secretary's office.

1220-4-2-.09 Directories (White Pages)

- (1) ~~Telephone directories shall be published annually~~ Local telecommunications service providers shall regularly publish or cause to be published telephone directories which and shall contain at a minimum the name, address and telephone number of all customers, except public telephones and those customers who have

informed the Local Telecommunications Service Provider to not list their information.

- (2) All local telecommunications service providers shall ~~provide~~ make available free of charge to ~~its~~ their customers a white page telephone directory ~~encompassing the local calling area~~ for the area where the customer is located. Directories for areas outside the local calling area shall be ~~provided~~ made available to the customer for a reasonable cost.
- (3) ~~In the event of a Telecommunications Service Provider listing error or the omission of a customer listing, the Telecommunications Service Provider shall provide an intercept service along with directory assistance for all calls made to the omitted number, upon the request of the customer, for up to one (1) year at no charge or until the publishing of a new White Page Directory.~~
In the event of an error in the listed number of any customer, the telephone service provider shall intercept all calls to the listed number for a reasonable period of time, provided existing central office equipment will permit and the number is not in service. In the event of an error or omission in the listed name of a customer, such customer's correct name and telephone number shall be in the files of the information or intercept operators and the correct number furnished the calling party either upon request or interception.
- (4) The Authority's toll-free telephone number and Internet address shall be listed ~~on~~ in the inside cover front section of the directory. Local telecommunications Service Providers shall not charge the Authority for the listing of the above information.
- (5) A local telecommunications service provider shall provide the Authority, upon request and without charge, at least one (1) copy of its directories at the time of publication.
- (6) ~~The directory shall contain such instructions~~ Local telecommunications service providers shall provide local directory publishers with relevant information for publication concerning placing local and long distance calls, calls to repair, calls regarding billing questions as well as information services, and the mailing address of the local telecommunications service provider.
- (7) The area included in the directory along with the month and year of the issuance of or ~~month and year of the issuance of~~ intended period of use for the directory shall appear on the cover of the directory. Information pertaining to emergency calls such as for the police and fire department shall appear conspicuously in the front section of the directory.
- (8) Whenever any customer's telephone number is changed after a directory is published, the local telecommunications service provider shall intercept all calls

to the former number for a reasonable period of time and give the calling party the new number unless instructed otherwise by the customer with the new number.

- (9) Telecommunications service providers publishing White Page Directories must provide the opportunity to competitive local exchange carriers offering service within the calling scope of a directory to contract for the appearance of the competitive local service providers name and logo on the cover of such directories under the same terms and conditions as the telephone service provider provides to itself.

1220-4-2-.12 Customer Complaints

- (1) Each telecommunications service provider shall make a full and prompt investigation of customer complaints made either directly to it or through the Authority
- (2) Telecommunications service providers shall within ten (10) working days, after receipt of a complaint forwarded by the Authority, file a written reply with the Authority. This reply shall at a minimum state the Telecommunications Service Provider's position regarding the complaint and actions taken to resolve the dispute. The time for filing this reply may be extended for good cause shown.

1220-4-2-.13 Accuracy Requirements

All meters and/or recording devices used by telecommunications service providers to prepare customer's bills shall be in proper working order and shall render accurate readings. Telecommunications service providers shall retain sufficient records to substantiate to the customer or the Authority compliance with this section.

~~1220-4-2-.15 Prepaid Calling Cards²~~

- ~~(1) All prepaid calling cards shall provide adequate disclosure of the value of the card in either dollars or minutes. Such value shall be inclusive of any and all associated cost incurred with the purchase of the card. This information shall be displayed on the card or the package in a prominent and conspicuous manner.~~
- ~~(2) All prepaid calling cards shall list the name, address and telephone number of the Telecommunications Service Provider providing the prepaid card. A live operator shall answer the telephone number listed at least eight (8) hours a day, five (5) days a week.~~

² As will be more fully explained during Workshop I, a rule addressing prepaid calling cards raises significant jurisdictional, legal, policy, and operational issues. The Industry Members agree that if the TRA wishes to consider a proposed rule addressing prepaid calling cards, it should do so in a separate rulemaking proceeding.

- ~~(3) Under no circumstances shall the customer receive less value than that disclosed.~~
- ~~(4) If a card has a specific expiration date, such date shall be printed on the card in a prominent and conspicuous manner.~~
- ~~(5) Telecommunications service providers providing prepaid calling cards in the State shall respond to the Authority in writing within ten (10) working days of the receipt of consumer complaints.~~
- ~~(6) All prepaid cards shall provide all information relative to usage sensitive per minute rates and all other charges. This information shall be displayed on the card or the package in a prominent manner.~~

1220-4-2-.19

Lifeline and Link-Up

All ~~Telecommunications Service Providers~~ ETC's shall offer Lifeline and Link-Up in accordance with the conditions listed below.

~~(1) Eligibility Requirements~~

- ~~(a) A Tennessee resident is eligible for Lifeline and Link-Up if the person's total household income is equal to or less than 125 percent (125%) of the Federal Poverty Level Guideline or if he/she qualifies to receive any one of the following public assistance benefits:~~

- ~~1. Food stamps;~~
- ~~2. Medicaid (not TennCare);~~
- ~~3. Supplemental Security Income (SSI);~~
- ~~4. Temporary Assistance to Needy Families (TANF);~~
- ~~5. Low income Home Energy Assistance Program (LIHEAP);~~
- ~~6. Federal Public Housing Support; and~~
- ~~7. Any other program or service certified by the Authority to assist low income citizens.~~

~~(2)~~(1) Enrollment Procedures

- ~~(a)~~ Local ~~Telecommunications~~ service providers providing Lifeline and Link-Up shall accept and act on requests from applicants to provide the Telephone Assistance Programs in a timely manner.
- ~~(b)~~ Local ~~Telecommunications~~ service providers shall take reasonable steps to verify that an applicant qualifies for at least one of the qualifications listed in 1220-4-2-.19 (1).

- (c) An applicant determined eligible for Link-~~u~~Up is ~~automatically~~ eligible to receive Lifeline and shall be notified as such by the local telecommunications service providers providing the services.
- (d) ~~Disputes~~ In the event of a dispute between ~~the~~ a local telecommunications service providers that provides Lifeline and Link-Up service and an applicants regarding whether ~~an~~ the applicant meets the qualification criteria, the local telecommunications service provider shall inform the applicant that he or she has the right to ~~be referred~~ refer the dispute to the Authority for resolution.

~~(3)~~(2) Semi-Annual Verification Procedures

- ~~(a)~~ A Local Telecommunications Service Provider providing Lifeline and Link-~~u~~Up shall periodically verify during the months of January and July through the Tennessee Department of Human Services that its customers utilizing these telephone assistance programs continue to meet the qualification criteria embodied in this Rule Chapter.

~~(4)~~(3) Notification Procedures for Discontinuing Lifeline

- ~~(a)~~ ~~A Telecommunications Service Provider shall notify recipients of Lifeline during December and June of each year that in order to continue qualifying under the Federal Poverty Level Guidelines that supplemental information, as determined by the Authority, is needed to continue their eligibility for the telephone assistance. Failure to provide sufficient information within a reasonable period of time shall be grounds to terminate the Lifeline discount according to the condition below.~~
- ~~1.~~ A Local Telecommunications Service Provider shall provide Lifeline customers ~~60~~ 30 days notice that they no longer meet the qualification criteria for the ~~discounted~~ service and shall inform the applicant that he or she has the right to refer any dispute regarding the notification to the Authority for resolution. Such notice shall be in written form and shall disclose appeal rights for the decision to terminate the Lifeline discount through the Authority.

~~(5)~~(4) Lifeline Support Credits and Allowable Charges

- (a) Local Telecommunications service providers offering Lifeline and Link-~~u~~Up shall provide the maximum allowable discount as authorized by the FCC with the appropriate, if any, state matching credits full federal and state credit amounts, as reflected in approved tariffs, to their eligible end users .

- (b) Lifeline credits shall not exceed basic local exchange telephone service charges.
- ~~(c) Lifeline recipients shall not be assessed a fee for local number portability by telecommunications service providers.~~
- (d) Lifeline recipients shall not be assessed a state universal service fee, if one is established by the Authority.
- (e) Lifeline recipients shall not be assessed a charge for toll blocking by local telecommunications service providers.
- (f) Local Telecommunications service providers shall not assess qualified Lifeline customers a security deposit if said customer agrees to subscribe to a toll blocking service.
- (g) Local Telecommunications service providers shall provide ~~a six (6) free~~ the same directory assistance call allowance ~~on directory assistance charges~~ to Lifeline customers as they provide to non-Lifeline customers.

~~(6)~~(5) Link-Up Support Credits

- (a) A qualified recipient shall receive a ~~reduction in the charge credit~~ for installing new service or ~~transferring moving~~ existing service to a new location as provided by the FCC.
- ~~(b) Qualifying low income customers who have paid full installation charges for service may retroactively receive the Link-Up credit on their telephone bill if they notify the telecommunications service provider within sixty (60) days from the date of the completion of the service order.~~
- ~~(c)~~(b) The purchase or installation of telephone equipment, such as the wiring of telephone jacks, does not qualify for Link-Up support.

~~(7)~~(6) Educational Outreach Efforts

- (a) Local Telecommunications service providers ~~offering providing~~ Lifeline and Link-Up shall ~~establish a consumer outreach education plan, in coordination with the Authority, that will be~~ inform state agencies that administer financial assistance programs of the existence of the Lifeline and Link-Up services to assist these agencies in developing materials aimed at informing the low-income population within their service area of the availability of these telephone assistance programs.
- (b) ~~At the time of the request for installation of new local service or the transferring of existing local service, telecommunications service~~

~~providers offering Lifeline and Link-Up shall inform all residential customers of the availability of telephone assistance programs and how to receive the discounts. A copy of the script used by telecommunications service providers shall be made available to the Authority upon request.~~
Local telecommunications service providers, working in cooperation with the Division, are required to place information in their White Pages telephone directory informing their residential telephone subscribers of the availability of telephone assistance programs and how to receive credits pursuant to such programs.

~~(8)~~(7) Lifeline and Link-Up Reporting Requirements

- (a) Local Telecommunications service providers providing Lifeline and Link-Up shall provide quarterly status reports to the Authority summarizing the number of customers receiving the benefits of the Telephone Assistance Programs. ~~The report shall breakdown the racial composition of the recipients along with the total dollar benefit for that period of time.~~
- (b) Local Telecommunications service providers shall provide other reports as required by the Authority in order to ensure compliance with this Rule Section.

1220-4-2-.22 Enforcement Provisions

Violation of the provisions of this Chapter shall be subject to the provisions of Tenn. Code Ann. § 65-4-120.

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

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Charles L. Howorth, Jr.
Regulatory Vice President

615 214-6520
Fax 615 214-8858

January 24, 2001

Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Re: *In the Matter of Notice of Rulemaking Amendment of Regulations For Telephone Service Providers*
Docket No. 00-00873

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This filing was the result of a conference call and discussion among the listed Industry Members. Because of the wide range of interests of the parties, complete consensus was neither expected nor achieved. However, the Members were able to agree on a large number of issues that are memorialized in the consensus filing. The Members submit they should be given great weight as they are the result of agreements between parties with disparate and, often times, conflicting interests.

One caveat should be noted, however. Given the breadth of the subject matter covered, there were some issues that, although the parties recognized a need for change, the specifics of such change could not be fully resolved in the time allowed. Thus, an attempt was made by the drafting party to propose a resolution in the consensus draft. These draft proposals may not satisfy all parties and they are free to make and should present their position on any such matter. Again, because of the schedule we are under, there was simply insufficient time to make sure all of these issues were, or could be, resolved. Further, as noted in the Suggested Revisions, the fact that a particular provision of these rules is neither underlined nor stricken through is not an indication that an Industry Member does not object to that provision. Rather, it may only indicate that the Industry Members were unable to reach a consensus as to how the provision(s) should be modified.

Mr. David Waddell, Executive Secretary
January 24, 2001
Page 2

The end result is that the members have undertaken in good faith to resolve those issues that could be resolved and, failing that, are providing under separate cover their individual responses to the portion of the proposed rule in issue.

With the foregoing predicate, the Industry members would make one final point: The Industry members believe that we have made a substantive and important effort in reaching the consensus revisions and that they should be recognized and acted upon as such.

On behalf of the Industry Members.

Very truly yours,

A handwritten signature in black ink, reading "Charlie Howorth". The signature is written in a cursive, slightly stylized font. The first name "Charlie" is written in a larger, more prominent script, and "Howorth" follows in a similar but slightly smaller script. The signature is positioned above the printed name.

Charles L. Howorth, Jr.

Enclosures

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

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WILL BE ADDRESSED DURING WORKSHOP II**

Pursuant to the Order the Hearing Officer entered in this docket on December 15, 2000, the following entities ("Industry Members") have jointly reviewed those provisions of the proposed rules that will be addressed during Workshop II on January 30, 2001¹:

Ardmore Telephone Company, Inc.
ASCENT
AT&T
BellSouth Telecommunications, Inc.
CenturyTel of Adamsville, Inc.
CenturyTel of Clairborne, Inc.
CenturyTel of Ooltewah-Collegedale, Inc.
Citizens Communications
Crockett Telephone Company, Inc.
Loretto Telephone Company, Inc.
MCI WorldCom, Inc.
NewSouth Communications Corporation
Peoples Telephone Company
SECCA
Sprint Communications Company L.P.
TDS Telecom
Time Warner Telecommunications
United Telephone Company
United Telephone-Southeast
U.S. LEC
West Tennessee Telephone Company, Inc.
XO Communications

¹ e.spire has recently notified the Industry Members that it has decided not to participate in the Workshops.

This document sets forth the Industry Members' consensus suggested revisions to the proposed rules as follows.

I. EXPLANATION OF CONSENSUS SUGGESTED REVISIONS

Each proposed rule that will be addressed during Workshop II is set forth below. To the extent that the Industry Members have reached a consensus regarding proposed revisions to these rules, the proposed revisions are indicated by either striking through language that should be deleted from these proposed rules or by underlining language that should be added to these proposed rules. The fact that a particular provision of these rules is neither underlined nor stricken through is not an indication that an Industry Member does not object to that provision. Rather, it may only indicate that the Industry Members were unable to reach a consensus as to how the provision should be modified. In such instances, each Industry Member reserves the right to address such provisions during Workshop I and to file written comments regarding such provisions.

II. CONSENSUS SUGGESTED REVISIONS

1220-4-2-.04 Customer Refunds for Service Outages ²

In the event the customer's local service is interrupted by other than the negligent or willful act of the customer, by an act of a party other than the local telecommunications service provider, or by an act of nature or civil disturbance and it remains out for 24 hours after being reported, telecommunications service providers shall, upon request of the customer and within two billing cycles of the date of the interruption, automatically credit on the following month's bill, credit the customer's account in an amount equal to the pro-rata amount of the fixed monthly charges involved for the service and facilities rendered inoperative by reason of the interruption during the time said interruption continues in excess of twenty-four hours from the time it is reported to the telecommunications services

² Time Warner feels strongly that this rule should only apply to residential customers. Further, Time Warner believes that the industry proposed rewrite arguably expands the scope of the rule and suggests the following: "In the event a residential customer's local service...." The balance of the rule would then read as proposed by the industry.

~~provider. \$5.00 per day until the service is restored, unless a more liberal credit is allowed under the Telecommunications Service Provider's tariffs. The credit in any one month shall not exceed \$50.00.~~

1220-4-2-.05 Customer Deposits

- (1) No security deposit shall be required as a condition for service other than as provided in local Telecommunications Service Provider tariffs on file with the Authority. The maximum amount for deposits shall be calculated on the amount of security needed to ensure payment of an average of two (2) months local service charges, if the customer agrees to subscribe to a toll blocking service.
- (2) Deposits, plus interest, shall either be refunded to the customer or credited to the customer's outstanding bill if the customer has established a satisfactory payment history or when service is terminated. A satisfactory payment history is where the customer has paid their telephone bill on time for 11 out of 12 months and has not had their service disconnected for non-payment or made payment with a check with insufficient funds.
- (3) Deposits shall accrue at a simple interest rate of 6% annually.

1220-4-2-.06 Disconnection of Local Service

- (1) Local service may be refused or discontinued for any of the reasons listed below:
 - (a) For non-payment of ~~the undisputed charges for regulated services local services portion.~~ (including ~~regulated optional services~~). ~~provided by the customer's telecommunications service provider of the telephone bill.~~ Disconnection for this cause requires ~~a ten (10) day~~ at least five (5) day prior written notice to the customer except in extreme cases as identified in 1220-4-2-.06 (1) (b)(e) and ~~(e)~~(f).
 - (b) Customer use of equipment in such manner as to adversely affect the Telecommunications Service Provider's ability to provide service to other customers.
 - (c) Customer violation of any state or municipal law, ordinance, ~~or approved tariff.~~ or regulation pertaining to telephone services.
 - (d) Failure to provide the Telecommunications Service Provider with reasonable access to its equipment.
 - (e) Unauthorized or fraudulent use of telecommunications service.

- (f) In the event of a condition determined by the Telecommunications Service Provider to be hazardous or dangerous.
- (2) The following shall not be grounds for the disconnection or denial of local telephone service.
- (a) ~~Non-payment of toll service or any unregulated charges, such as yellow page advertising, telephone equipment, Internet service and 900 pay per call services, appearing on the customer's telephone bill.~~
- (b) Delinquency in payment of a previous bill by a present occupant who was delinquent at another address and subsequently joined the household of a customer in good standing.
- (c) ~~Failure to pay the bill of another customer as guarantor thereof.~~
- (d) Failure to pay for business service at a different location and different telephone number shall not constitute sufficient grounds to disconnect or refuse residential service.
- (3) Disconnection of local service shall adhere to the following procedures:
- (a) ~~No local service shall be disconnected on a day the telecommunications service provider's business office is closed or on a day preceding a day the business office is closed.~~
- (a) Disconnection of local service shall only occur during the hours on a day the telecommunications service provider has personnel available to accept payment and reconnect service.
- (b) Disconnection of local service for non-payment of services as specified in 1220-4-2-.06(1) shall only occur after the affected customer has received a ~~ten (10)~~ at least five (5) days written notice of the pending disconnection, ~~unless the customer is receiving Lifeline assistance. Lifeline customers shall receive a written notice of 15 days prior to disconnection.~~

1220-4-2-.07 Disconnection of Service to a Reseller by an Underlying Carrier

- (1) The following steps shall be taken when an underlying carrier denies service to a local ~~or long distance~~ reseller:
- (a) The underlying carrier shall provide no less than a thirty (30) days written notice to the reseller that service will be terminated on a date certain, ~~if~~

~~actions are not taken by a date certain to rectify any of the conditions for disconnection found in 1220-4-2-.06 (1).~~

- (b) The underlying carrier shall provide to the Authority a five (5) day notice of the pending disconnection of the reseller along with the reason(s) for the action.
- (c) It is the responsibility of each reseller to notify its customers either in writing or by voice communications no less than ten (10) days prior of the pending disconnection of its service and advise its customers of their need to select another service provider.
- (d) The reseller shall refund to its customers any credits due as a result of the disconnection of service within thirty (30) days of termination of the service.
- (e) The underlying carrier shall provide a soft dialtone, where available, to the customers of the reseller for at least 15 days following upon disconnection of the reseller's service. ~~until said customer selects another local provider~~

1220-4-2-.08

Privacy of Customer Information

- (1) In recognition of customer privacy, telecommunications service providers are ~~prohibited from disclosing information about the customer such as name, address, calling habits or any other such information to any other person or entity without the prior approval of the customer, unless otherwise ordered by the Authority required to comply with the provisions of 47 U.S.C. §222 and with and any applicable judicial or regulatory orders interpreting or implementing that statute.~~
- (2) ~~Telecommunications service providers are required to exclude, without charge, the customer's name, address and telephone number and any other such personal information from its directory and directory information service when requested by the customer.~~

1220-4-2-.14

Payment for Services

- (1) ~~Telecommunications service providers shall provide, upon request, a deferred payment plan that will allow a customer to make payment by installments when such customer is unable to pay the amount due for service. The deferred payment plan may require the customer to maintain his/her account current and make equal payments that will payoff the outstanding balance within an agreed period time period that should not exceed six (6) months, unless circumstances warrant additional time.~~

- (2) Each telecommunications service provider shall provide a variety of bill payment options to its residential customers including payment by check, money order and or credit card. ~~The Telecommunications Service Provider shall assess no additional fee to the customer for utilizing bill payment options.~~
- (3) Any partial payment of a bill by a customer shall first go toward the ~~basic local service charges~~ undisputed charges for regulated services (including optional services), and then toward undisputed charges for unregulated services.
- (4) Telecommunications service providers under or over billing shall recover from or refund to their end user customers no more than two (2) years for previous service charges.
- (5) Each telecommunications service provider shall allow its customers no less than ~~twenty (20)~~ nineteen (19) days from the date of the bill to pay the balance before such bills are considered delinquent.
- (6) No less than ~~ten (10)~~ five (5) days prior to disconnection of local service for non-payment telecommunications service providers shall notify the customer in writing that their bill is delinquent, as defined in 1220-4-2-.14(5), and subject to be disconnected by a date certain.

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

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REC'D TN
REGULATORY AUTH
Charles L. Howorth, Jr.
Regulatory Vice President
615 214-6520
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'01 MAR 6 PM 4 01
OFFICE OF THE
EXECUTIVE SECRETARY

March 5, 2001

Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Re: *In the Matter of Notice of Rulemaking Amendment of Regulations for Telephone Service Providers*
Docket No. 00-00873

Dear Mr. Waddell:

Enclosed for filing are the Industry Members' consensus follow-up comments to those provisions of the proposed rules that were addressed during Workshops I and II. No rules other than those specifically referred to in the filing have been addressed, nor should any inferences be made from these suggestions as to such other proposed rules.

The Industry Members believe that we have made a substantive and important effort in reaching the consensus follow-up comments and that they should be recognized and acted upon as such.

On behalf of the Industry Members,

Very truly yours,

Charles L. Howorth, Jr.

Enclosure

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *In the Matter of Notice of Rulemaking Amendment of Regulations for Telephone Service Providers*

Docket No. 00-00873

**INDUSTRY MEMBERS' CONSENSUS FOLLOW-UP COMMENTS TO
THOSE PROVISIONS OF THE PROPOSED RULES THAT
WERE ADDRESSED DURING WORKSHOP II**

The following entities ("Industry Members") would like to confirm our understanding of the issues upon which the Staff and the Industry Members have differing positions¹:

Ardmore Telephone Company, Inc.
ASCENT
AT&T
BellSouth Telecommunications, Inc.
CenturyTel of Adamsville, Inc.
CenturyTel of Claiborne, Inc.
CenturyTel of Ooltewah-Collegedale, Inc.
Citizens Communications
Crockett Telephone Company, Inc.
Loretto Telephone Company, Inc.
MCI WorldCom, Inc.
NewSouth Communications Corporation
Peoples Telephone Company
SECCA
Sprint Communications Company L.P.
TEC
TDS Telecom
Time Warner Telecommunications
United Telephone Company
United Telephone-Southeast
U.S. LEC
West Tennessee Telephone Company, Inc.
XO Communications

¹ e.spire has notified the Industry Members that it has decided not to participate in the Workshops.

The Industry Members appreciate the Staff's conducting Workshop II on January 30, 2001. As is evident from the substance of this letter, the workshop resulted in a better mutual understanding of the issues in dispute in this proceeding. In fact, many of the concerns raised in the pre-workshop written comments and during the workshop itself were resolved. Additionally, all parties to the workshop have a better understanding of the matters that remain in dispute.

In order to facilitate a continuing streamlined process for addressing the remaining disputes, the Industry Members would like to confirm our understanding of the issues upon which the Staff and the Industry Members have differing positions. In doing so, the Industry Members fully understand that the actions or opinions of the Staff do not bind the Authority, and this letter is not intended to suggest that they do. Instead, we simply want to confirm that we correctly understand the matters to which neither the Staff nor the Industry Members have an objection. Accordingly, if we have inaccurately stated that the Staff has no objection to a particular provision, please let us know as soon as possible.

1220-4-2-.04 Customer Refunds for Service Outages

The Staff does not agree with the industry's suggested revisions.

1220-4-2-.05 Customer Deposits

- (1) The Staff has no objections to the revisions suggested by the industry.
- (2) The industry has no objection to this provision as it appears in the proposed rules.
- (3) The industry has no objection to this provision as it appears in the proposed rules.

1220-4-2-.06 Disconnection of Local Service

- (1) Local service may be refused or discontinued for any of the reasons listed below:
 - (a) **The Staff does not agree with the industry's suggested revisions.**
 - (b) The industry has no objection to this provision as it appears in the proposed rules.

- (c) The Staff agreed to consider the following industry proposal for a reason for the denial or discontinuance of local service:

Customer violation of any state or municipal law, ordinance, approved tariff, or regulation pertaining to telephone services.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (d) The industry has no objection to this provision as it appears in the proposed rules.

- (e) The industry has no objection to this provision as it appears in the proposed rules. Nor did the industry object to the Consumer Advocate's suggestion to add the word "unlawful" before the phrase "or fraudulent ...".

- (f) The Staff has no objections to the revisions suggested by the industry.

- (2) The following shall not be grounds for the disconnection or denial of local telephone service.

- (a) **The Staff does not agree with the industry's suggested revisions.**

- (b) The industry has no objection to this provision as it appears in the proposed rules.

- (c) **The Staff does not agree with the industry's suggested revisions.**

- (d) The industry has no objection to this provision as it appears in the proposed rules.

- (3) Disconnection of local service shall adhere to the following procedures:

- (a) and (c) The Staff agreed to consider the following industry proposal for a prohibition of disconnection of local service at certain times:

Disconnection of local service shall only occur on a day the telecommunications service provider has personnel available to accept payment and reconnect service. In no case shall disconnection of local service occur on a Friday.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (b) **The Staff does not agree with the industry's suggested revisions.**

1220-4-2-.07

Disconnection of Service to a Reseller by an Underlying Carrier

- (1) The Staff agreed to consider the following industry proposal for restricting this section to local resellers:

The following steps shall be taken when an underlying carrier denies service to a local reseller:

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (a) The Staff agreed to consider the following industry proposal for termination notification:

The underlying carrier shall provide no less than a thirty (30) days written notice to the reseller that service will be terminated on a date definite.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (b) The industry has no objection to this provision as it appears in the proposed rules.
- (c) The industry has no objection to this provision as it appears in the proposed rules. TDS did comment that they would like to see the voice provision stricken.
- (d) The industry has no objection to this provision as it appears in the proposed rules.
- (e) The staff requested that the companies file comments on soft dialtone. The specifics of the request include the submission of the following information: Where is soft dialtone provided now, what would be required to provide soft dialtone universally, and how long would it take to provide soft dialtone universally? The specifics of this request require that each company file on its own behalf.

1220-4-2-.08

Privacy of Customer Information

- (1) The Staff agreed to consider the following industry proposal for restricting this section to local resellers:

In recognition of customer privacy, telecommunications service providers are required to comply with the provisions of 47 U.S.C. §222 and with any applicable judicial or regulatory orders interpreting or implementing that statute.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (2) **The Staff does not agree with the industry's suggested revisions.**

1220-4-2-.14 Payment for Services

- (1) The Staff agreed to consider the industry proposal for eliminating this section which required a deferred payment plan.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (2) The Staff agreed to consider the following industry proposal for payment options:

Each telecommunications service provider shall provide a variety of bill payment options to its residential customers including payment by check, money order or credit card.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

- (3) **The Staff does not agree with the industry's suggested revisions.**
- (4) The Staff has no objections to the revisions suggested by the industry.
- (5) The industry has no objection to this provision as it appears in the proposed rules.
- (6) **The Staff does not agree with the industry's suggested revisions.**

STATE OF TENNESSEE

Office of the Attorney General



PAUL G. SUMMERS
ATTORNEY GENERAL AND REPORTER

ANDY D. BENNETT
CHIEF DEPUTY ATTORNEY GENERAL

LUCY HONEY HAYNES
ASSOCIATE CHIEF DEPUTY
ATTORNEY GENERAL

REPLY TO:
CONSUMER ADVOCATE AND PROTECTION DIVISION
425 FIFTH AVENUE NORTH, 2ND FLOOR
NASHVILLE, TENNESSEE 37243
FACSIMILE: (615) 532-2910



MICHAEL E. MOORE
SOLICITOR GENERAL

425 FIFTH AVENUE NORTH
NASHVILLE, TN 37243-0485
TELEPHONE (615) 741-3491
FACSIMILE (615) 741-2009

March 2, 2001

Guy Hicks, Esquire
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300

RE: Telephone Service Standards

Dear Guy:

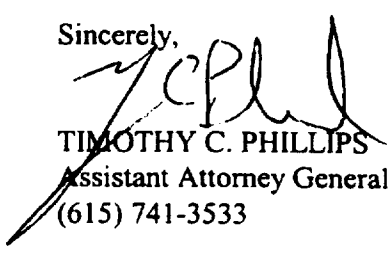
I want to thank you, Dale and Laura for taking the time to speak with me regarding the proposed TRA rules on telephone service standards. I must admit that the conversation did not go precisely as I had expected. It was my understanding from the TRA that they expected us to work towards compromise language with respect to the definition of trouble reports and the provisions in section .17 of the proposed rules.

You will recall that we provided you new language with respect to the definition of trouble reports. Additionally, we were prepared this week to discuss modification of our position regarding section .17 of the proposed rules. However, I understand the industry is not willing at this time to move from the position it has taken regarding section .17 of the proposed rules.

If the industry's position changes and either you, Dale, Laura, or anyone else representing the industry wishes to discuss provision .17 further, please advise.

Thank you very much. If you have any questions, please call me.

Sincerely,


TIMOTHY C. PHILLIPS
Assistant Attorney General
(615) 741-3533

☐ State Specific
Copy to:
☒ Spalding ☒ Turner
☐
Scan to: ☒ Smith

Notified of Scan/Faxed:
☒ Lackey ☐ Carver
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☐ Kitchings ☐ Foshee
Other:

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *In the Matter of Notice of Rulemaking Amendment of Regulations for Telephone Service Providers*

Docket No. 00-00873

INDUSTRY MEMBERS' CONSENSUS FOLLOW-UP COMMENTS TO
THOSE PROVISIONS OF THE PROPOSED RULES THAT
WERE ADDRESSED DURING WORKSHOP I

The following entities ("Industry Members") would like to confirm our understanding of the issues discussed during Workshop I upon which the Staff and the Industry Members have differing positions¹:

Ardmore Telephone Company, Inc.
ASCENT
AT&T
BellSouth Telecommunications, Inc.
CenturyTel of Adamsville, Inc.
CenturyTel of Claiborne, Inc.
CenturyTel of Ooltewah-Collegedale, Inc.
Citizens Communications
Crockett Telephone Company, Inc.
Loretto Telephone Company, Inc.
MCI WorldCom, Inc.
NewSouth Communications Corporation
Peoples Telephone Company
SECCA
Sprint Communications Company L.P.
TEC
TDS Telecom
Time Warner Telecommunications
United Telephone Company
United Telephone-Southeast
U.S. LEC
West Tennessee Telephone Company, Inc.
XO Communications

¹ e.spire has notified the Industry Members that it has decided not to participate in the Workshops.

The Industry Members appreciate the Staff's conducting Workshop I on January 16, 2001. As is evident from the substance of this letter, the workshop resulted in a better mutual understanding of the issues in dispute in this proceeding. In fact, the majority of the concerns raised in the pre-workshop written comments and during the workshop itself were resolved by compromise language to which neither the Staff nor the Industry Members object. Additionally, all parties to the workshop have a better understanding of the relatively few matters that remain in dispute.

In order to facilitate a continuing streamlined process of addressing those remaining disputes, the Industry Members would like to confirm our understanding of the issues upon which the Staff and the Industry Members have differing positions. In doing so, the Industry Members fully understand that the actions or opinions of the Staff do not bind the Authority, and this letter is not intended to suggest that they do. Instead, we simply want to confirm that we correctly understand the matters to which neither the Staff nor the Industry Members have an objection. Accordingly, if we have inaccurately stated that the Staff has no objection to a particular provision, please let us know as soon as possible.

1220-4-2-.01 Definitions

In the interpretation of these rules, the following definitions shall be used:

- (1) The Staff has no objections to the revisions suggested by the industry.
- (2) The industry has no objections this provision as it appears in the proposed rules.
- (3) The Staff has no objections to the revisions suggested by the industry.
- (4) The Staff has no objections to the revisions suggested by the industry.

- (5) The Staff agreed to consider the following industry proposal for the definition of Carrier of Last Resort Obligation:

"Carrier of last resort obligation" means the obligation, imposed by order of the Authority pursuant to 47 U.S.C. §214(e)(3), to provide services that are supported by Federal universal service support mechanisms under 47 U.S.C. §214(c) to an unserved community or any portion thereof that requests such service.

- (6) The Staff has no objections to the revisions suggested by the industry.
- (7) The Staff has no objections to the revisions suggested by the industry.
- (8) Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

"Exchange" means a unit established by a local telecommunications service provider, and set forth in its approved tariffs, for the administration of telephone service in a specified area that usually embraces a city, town, or village and its environs. It consists of one or more central offices together with associated plant used in furnishing communication service in that area.

- (9) The Staff has no objections to the revisions suggested by the industry.
- (10) The Staff has no objections to the revisions suggested by the industry.
- (11) The Staff has no objections to the revisions suggested by the industry.
- (12) **The Staff does not agree with the industry's proposal to delete the definition of "Local Number Portability."**
- (13) **The Staff does not agree with the industry's proposal to delete the definition of "NANPA."**
- (14) The industry has no objections this provision as it appears in the proposed rules.
- (15) The industry has no objections this provision as it appears in the proposed rules.
- (16) The industry has no objections this provision as it appears in the proposed rules.
- (17) The Staff has no objections to the revisions suggested by the industry.

(18) **The Staff does not agree with the industry's proposal to delete the definition of "Sequential Number Assignment."**

(19) The Staff agreed to consider the following industry proposal for the definition of Service Area:

"Service Area" means the geographic area in which a local telecommunications service provider provides telecommunications services within the State of Tennessee.

The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

(20) The industry has no objections this provision as it appears in the proposed rules.

(21) The industry has no objections this provision as it appears in the proposed rules.

(22) Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

"Local Telecommunications Service Provider" means any provider of local exchange service as defined in Tenn. Code Ann. §65-4-101(c) and includes, but is not limited to, incumbent local exchange carriers ("ILEC"), competitive local exchange carriers ("CLEC") and resellers. To the extent that a telecommunications service provider provides interexchange services, that telecommunications service provider is not a local telecommunications service provider with respect to such services.

(23) The industry has no objections this provision as it appears in the proposed rules.

(24) The Staff and the workshop participants agreed to set aside consideration of the definition of "Trouble Report" and address this definition during Workshop III.

(25) **The Staff does not agree with the industry's proposal to delete the definition of "Uncontaminated 1,000 Number Blocks."**

1220-4-2-.02 Scope of Regulations

Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

The purpose of this Chapter is to establish minimum quality of service standards and general regulations for all

telecommunications service providers providing telecommunications service, as **more specifically set forth** in this Chapter. The regulations are designed to ensure that Tennesseans continue to have access to quality telephone services in an emerging competitive telecommunications environment. This Chapter attempts to balance our state's policy of pro-competition in the telecommunications sector with the service quality expectations of our citizens as well as privacy concerns.

1220-4-2-.03

Records and Reports

- (1) **The Staff does not agree with the industry's suggested revisions.**
- (2) **The Staff does not agree with the industry's suggested revisions.**
- (3) **The Staff does not agree with the industry's suggestion to limit the applicability of this section to local telecommunications service providers.**

The Staff also asked the industry to develop proposed language that would provide for the TRA's timely receipt of information in the event of a major service disruption. The industry submits the following proposal and asks the Staff's position on the proposal:

- (a) Telecommunications Service Providers are required to notify the Authority regarding disruptions of service when greater than 1000 customers lose service for greater than four (4) hours. In the event of such a disruption, the Telecommunications Service Provider shall
- (8) Contact the Authority within six (6) hours after the fourth hour of the service disruption (or earlier, if possible) or if during non-work hours, at the beginning of the succeeding workday and provide the location of the disruption, number of customers affected, and estimated restoral time.

Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

2. Provide a written **or electronic** report within thirty (30) days of the incident to the Authority detailing the disruption along with actions the Telecommunications Service Provider has or shall take to prevent a similar disruption from occurring again.

(4) Tariffs.

- (a) The industry has no objections to this provision as it appears in the proposed rules.
- (b) The Staff agreed to consider the following industry proposal, and the industry would appreciate the Staff's informing it of the Staff's position of this proposal

A telecommunications service provider shall make a copy of its tariffs available for public inspection. Public inspection may include, having a copy of the tariffs available on the Internet.

(5) Exchange Maps

The Staff and the workshop participants agreed to set aside consideration of this subsection and address this definition during Workshop III.

(6) Wireline Reports

Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

Until the Authority deems it unnecessary to continue doing so, each Local Telecommunications Service Provider shall provide to the Authority a summary of its wireline activity within the State quarterly in a format established by the Authority. This information shall allow the Authority to monitor the evolution of local competition within Tennessee. Because these reports contain confidential and competitively sensitive information, they shall be treated as Proprietary by the TRA and shall not be subject to public disclosure.

The Staff also requested that the Industry attempt to incorporate the concept of a protective order being entered to protect this information. The Industry proposed the following language:

No report is required to be filed under this subsection until an appropriate protective order is entered by the TRA and in place.

(7) **The Staff does not agree with the industry's suggested revisions.**

(8) Service Reports

Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

Each Telecommunications Service Provider shall furnish to the Authority, upon reasonable notice and in the form the Authority may reasonably request, the results of any tests, summaries or records or any other information as the Authority may reasonably require.

(8) Adequacy of Service Reports

The Staff and the workshop participants agreed to set aside consideration of this subsection and address this definition during Workshop III.

(9) Interruption of Service Reports

The Staff and the workshop participants agreed to set aside consideration of this subsection and address this definition during Workshop III.

(10) Miscellaneous Reports

The Staff has no objections to the revisions suggested by the industry.

1220-4-2-.12 Customer Complaints

(1) The industry has no objections this provision as it appears in the proposed rules.

(2) Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

Telecommunications service providers shall, within ten (10) working days after receipt of a complaint forwarded by the Authority, file a written or electronic reply with the Authority. This reply shall at a minimum state the Telecommunications Service Provider's position regarding the complaint and actions taken to resolve the dispute. The time for filing this reply may be extended for good cause shown.

1220-4-2-.13 Accuracy Requirements

The industry has no objections this provision as it appears in the proposed rules.

1220-4-2-.15 Prepaid Calling Cards

The Staff agreed to consider the following industry's proposal that this subsection of the rules be considered, if at all, in a separate proceeding. The industry would appreciate the Staff's informing it of the Staff's position on this proposal.

1220-4-2-.19 Lifeline and Link-Up

(1) **The Staff does not agree with the industry's initial suggested revisions.**

The industry suggests, as an alternative, that the ETC should offer Lifeline and Link-Up in accordance with their approved tariffs.

- (a) The Staff has no objections to the revisions suggested by the industry.
- (b) The Staff has no objections to the revisions suggested by the industry.
- (c) Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

An applicant determined eligible for Link-Up is also eligible to receive Lifeline and shall be notified as such by the local telecommunications service providers providing the services.

- (d) The Staff has no objections to the revisions suggested by the industry.

(2) Semi-Annual Verification Procedures

- (a) Based on discussions during Workshop I, neither the Staff nor the industry object to the following language:

A Local Telecommunications Service Provider providing Lifeline and Link-Up shall periodically verify through the Tennessee Department of Human Services that its customers utilizing these telephone assistance programs continue to meet the qualification criteria embodied in this Rule Chapter. Such verification shall take place at least twice each year.

(3) Notification Procedures for Discontinuing Lifeline

Except for the requirement for 60 days notice, (the Industry's proposal remains 30 days), and based on discussions during Workshop I, neither the

Staff nor the industry object to the following language for 1220-4-2-.19 (4) in its entirety:

A Local Telecommunications Service Provider shall provide Lifeline customers 60 days written notice that they no longer meet the qualification criteria for the service. Such notice shall inform the applicant that he or she has the right to refer any dispute regarding the notification to the Authority for resolution.

(4) Lifeline Support Credits and Allowable Charges

- (a) The Staff has no objections to the revisions suggested by the industry.
- (b) The industry has no objections this provision as it appears in the proposed rules.
- (c) The industry has no objections this provision as it appears in the proposed rules.
- (d) The industry has no objections this provision as it appears in the proposed rules.
- (e) The Staff has no objections to the revisions suggested by the industry.
- (f) The Staff has no objections to the revisions suggested by the industry.
- (g) **The Staff does not agree with the industry's suggested revisions.**

(5) Link-Up Support Credits

- (a) The Staff has no objections to the revisions suggested by the industry.
- (b) **The Staff does not agree with the industry's suggested revisions.**
- (c) The Staff has no objections to the revisions suggested by the industry.

(6) Educational Outreach Efforts

- (a) **The Staff does not agree with the industry's suggested revisions.**
- (b) **The Staff does not agree with the industry's suggested revisions.**

(7) Lifeline and Link-Up Reporting Requirements

- (a) The industry proposed the following language: "Local telecommunications service providers providing Lifeline and Link-Up shall provide quarterly status reports to the Authority summarizing the number of customers receiving the benefits of the Telephone Assistance Programs." The Staff agreed to consider this proposal, and the industry would appreciate the Staff's informing it of the Staff's position on this proposal.
- (b) The Staff has no objections to the revisions suggested by the industry.

1220-4-2-.22 Enforcement Provisions

The industry has no objections this provision as it appears in the proposed rules.

BellSouth Telecommunications, Inc.
Suite 2104
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Nashville, TN 37201-3300

REC'D TN
REGULATORY AUTH.
Charles L. Howorth, Jr.
Regulatory Vice President

01 FEB 15 PM 2 03
615 214-6520
Fax 615 214-8858

February 15, 2001

OFFICE OF THE
EXECUTIVE SECRETARY

Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Re: *In the Matter of Notice of Rulemaking Amendment of Regulations For Telephone
Service Providers*
Docket No. 00-00873

Dear Mr. Waddell:

Enclosed for filing are the Industry Members' suggested revisions to the proposed rules which will be addressed during Workshop III. No rules other than those specifically referred to in the filing have been addressed, nor should any inferences be made from these suggestions as to such other proposed rules.

This filing was the result of conference calls and discussions among the listed Industry Members. Notwithstanding the wide range of interests of the parties, complete consensus was achieved. The Members submit that the suggested revisions should be given great weight as they are the result of agreements between parties with disparate and, often times, conflicting interests.

We do not expect that any listed Industry Members will file separate comments prior to Workshop III, but they are certainly free to do so. The Industry Members believe that we have made a substantive and important effort in reaching the consensus revisions and that they should be recognized and acted upon as such.

On behalf of the Industry Members,

Very truly yours,



Charles L. Howorth, Jr.

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee REC'D TN
REGULATORY AUTH.

In Re: *In the Matter of Notice of Rulemaking and Amendment of Regulations for Telephone Service Providers*

Docket No. 00-00873

101 FEB 15 PM 2 05
OFFICE OF THE
EXECUTIVE SECRETARY

**INDUSTRY MEMBERS' CONSENSUS SUGGESTED REVISIONS TO
THOSE PROVISIONS OF THE PROPOSED RULES THAT
WILL BE ADDRESSED DURING WORKSHOP III**

Pursuant to the Order the Hearing Officer entered in this docket on December 15, 2000, the following entities ("Industry Members") have jointly reviewed those provisions of the proposed rules that will be addressed during Workshop III on February 20, 2001¹:

Ardmore Telephone Company, Inc.
ASCENT
AT&T
BellSouth Telecommunications, Inc.
CenturyTel of Adamsville, Inc.
CenturyTel of Claiborne, Inc.
CenturyTel of Ooltewah-Collegedale, Inc.
Citizens Communications
Crockett Telephone Company, Inc.
Loretto Telephone Company, Inc.
MCI WorldCom, Inc.
NewSouth Communications Corporation
Peoples Telephone Company
SECCA
Sprint Communications Company L.P.
TEC
TDS Telecom
Time Warner Telecommunications
United Telephone Company
United Telephone-Southeast
U.S. LEC
West Tennessee Telephone Company, Inc.
XO Communications

¹ e.spire has recently notified the Industry Members that it has decided not to participate in the Workshops.

This document sets forth the Industry Members' consensus suggested revisions to the proposed rules as follows.

I. EXPLANATION OF CONSENSUS SUGGESTED REVISIONS

Each proposed rule that will be addressed during Workshop III is set forth below. The Industry Members have reached a consensus regarding proposed revisions to these rules. Each Industry Member reserves the right to address such provisions during Workshop III and to file written comments regarding such provisions.

CONSENSUS SUGGESTED REVISIONS

1220-4-2-.01 Definitions

"Trouble Report" means any oral or written report from a subscriber or user of telephone service relating to a physical defect or to difficulty or dissatisfaction with the operations of telephone facilities. Reports that duplicate a previous report or merely involve an inquiry concerning progress on a previous report shall not be counted as a trouble report.

"Repeat Trouble Report" means any oral or written report from a subscriber or user of telephone service relating to a physical defect or to difficulty or dissatisfaction with the operations of telephone facilities and which are reported within 30 days of the subscriber's service provider having cleared a prior trouble report filed by the same subscriber with regard to the same telephone facilities. If the cause of the subsequent trouble report is separate and distinct from the cause of the prior trouble report, the subsequent trouble report shall not be deemed to be a "Repeat Trouble Report."

1220-4-2-.10 Emergency Service Provisioning

- (1) All telecommunications service providers shall take the appropriate measures to meet emergency situations including but not limited to electricity failure due to weather conditions and sudden and prolonged increases in network traffic.
- (2) Within 180 days of the effective date of this Chapter all telecommunications service providers are required to meet the following objectives:
 - (a) Central offices with installed emergency power generators will have a minimum of three (3) hours of battery capacity to handle the busy season, peak-traffic hours.

- (b) Central offices without emergency power generators on site will have a minimum of five (5) hours battery capacity to handle the busy season, peak-traffic hours. These offices must have ready access to portable power generators that can be connected prior to battery capacity exhaust.
- (3) In periods of prolonged and massive service outages, telecommunications service providers have the authority to restrict local service in order to provide essential service to agencies such as the police and emergency service providers.

1220-4-2-.11 Telephone Construction

- (1) After the construction of plant by either a telecommunications service provider or its contractors, it is the duty of each telecommunications service provider to restore the property where the construction took place to as near the condition in which it existed prior to construction as possible within a reasonable period of time.
- (2) It is the duty of telecommunications service providers to comply with Tenn. Code Ann. §65-31-102 et seq. which includes, but is not limited to, contacting Tennessee One Call for the purpose of locating any underground utilities that may be damaged by proposed construction prior to installing facilities.
- (3) It is the duty of telecommunications service providers to comply with all applicable local, state, and federal construction standards and codes.

1220-4-2-.16 Adequacy of Service

Each telecommunications service provider shall employ adequate engineering and administrative procedures and maintain the necessary network facilities to ensure adequate service is being provided to its customers.

1220-4-2-.17 Basic Obligations for ETCs

The following requirements apply to all ETCs offering service in the State of Tennessee. An ETC shall not be responsible for failure to comply with these requirements to the extent that such failure is caused by Acts of God, severe weather, or the actions of third parties who are neither owned nor controlled by the ETC. Nor shall the ETC be responsible for such failure in any exchange in which a declaration of a natural disaster or state of emergency has been issued by a federal, state, or local authority during any applicable measurement period.

- (1) Each ETC shall provide an adequate level of service to all of its customers. Service adequacy shall include the following requirements:

- (a) Access lines providing voice grade basic service shall be capable of carrying data speeds effectively not less than 9.6 kilobits per second.
- (b) Lifeline and Link-up telephone assistance programs shall be tarified with the Authority and provided to eligible customers in accordance with 1220-4-2-.19.
- (c) Where the customer and the ETC have not mutually agreed to a different time period, where the service order involves less than 10 lines, and where construction is not required, no less than the following percentage of service orders shall be completed within five (5) working days as measured on a quarterly basis:

Exchanges with 5000 or less lines	80%
Exchanges with more than 5000 lines and less than 10,000 lines	85%
Exchanges with 10,000 or more lines	90%

Failure to meet this standard for two (2) consecutive quarters is deemed a violation of this Chapter.

- (d) Where the customer and the ETC have not mutually agreed to a different time period, where the service order involves less than 10 lines, and where construction is required, no less than the following percentage of service orders shall be completed within thirty (30) working days as measured on a quarterly basis:

Exchanges with 5000 or less lines	80%
Exchanges with more than 5000 lines and less than 10,000 lines	85%
Exchanges with 10,000 or more lines	90%

In the instance of any such order where construction has not been completed within thirty (30) days, the ETC shall notify the Consumer Service Division in writing of the delay and provide any other information

requested by the Authority. Failure to meet this standard for two (2) consecutive quarters is deemed a violation of this Chapter.

- (e) For service orders that are not subject to subsections (c) or (d) of this rule, the ETC shall fulfill no less than 90% of its commitments to provide service on a date certain as measured on a quarterly basis. Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.
- (f) An ETC shall have no more than the following number of trouble reports per 100 access lines, as measured on a quarterly average basis:

Exchanges with 5000 or less lines	8 per month
Exchanges with more than 5000 lines and less than 10,000 lines	6 per month
Exchanges with 10,000 or more lines	5 per month

Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.

- (g) No less than the following percentages of out of service trouble reports, as measured on a quarterly basis, shall be restored within 36 hours:

Exchanges with 5000 or less lines	80%
Exchanges with more than 5000 lines and less than 10,000 lines	82%
Exchanges with 10,000 or more lines	85%

Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.

- (h) No more than the following percentages of trouble reports, as measured on a quarterly basis, shall be repeat trouble reports:

Exchanges with 5000 or less lines	30%
--------------------------------------	-----

Exchanges with more than
5000 lines and less than
10,000 lines 27%

Exchanges with 10,000
or more lines 25%

Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.

- (i) An ETC shall maintain an average of less than 20,000 defects (messages blocked other than by action of customer) per million as measured on a statewide level and on a quarterly basis. Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.
- (j) An ETC shall provide dial tone within three (3) seconds on 99% of calls within each exchange, as measured on a quarterly basis.
- (k) An ETC shall provide sufficient facilities to accommodate realistic forecasted growth projections in access lines within each exchange.
- (l) An ETC shall provide adequate means whereby its customers can contact repair service at all hours.
- (m) Calls to the telephone number listed in the directory for an ETC's directory assistance, business offices, and repair services shall be answered, as measured² on a aggregated quarterly basis, as follows:
 - (i) When an ETC utilizes a live attendant to answer such calls, the ETC shall maintain a 60 second average speed of answer. The speed of answer time shall begin when the call arrives at the ETC's automatic call distributor.
 - (ii) When an ETC utilizes an automated interactive answering system (hereafter referred to as "system") to answer such calls, the initial recorded message shall not contain any marketing or promotional information. At any time during the automated call, the customer shall be placed in queue for live assistance if the customer either

² Ardmore, Crockett, Loretto, Peoples, United, and West Tennessee telephone companies do not currently have the capability to measure answer times, and object to this rule to the extent that it would require them to expend the resources to obtain such capability. Given the high levels of service they provide, these companies believe that such an expenditure would be unnecessary and imprudent. These companies reserve the right to comment further on this issue and on other measurement and reporting burdens.

elects the option for live assistance or fails to interact with the system for a time period of thirty seconds following any prompt. Once the customer is placed in queue for live assistance, the ETC shall maintain a 60 second average speed of answer for such calls.

Failure to meet this standard in two (2) consecutive quarters is deemed a violation of this Chapter.

(2) Carrier of last resort

If an unserved community or any portion thereof requests service, the Authority may, pursuant to 47 U.S.C. §214(e)(3), designate a Carrier of Last Resort to provide the unserved community or portion thereof services that are supported by Federal universal service support mechanisms under 47 U.S.C. §254(c).

1220-4-2-.18 Quality of Service Mechanisms (QSMs) for ETCs

- (1) The Authority recognizes the importance of quality telephone service to the economic well being of Tennessee. Customer expectations for quality telephone service must not be compromised as the State moves toward a more competitive environment for local telephone service. To maintain quality telephone service for all consumers, the Authority has designed Quality of Service Mechanisms ("QSMs"). QSMs are also designed for ETCs to compensate customers for failing to obtain quality services within a reasonable timeframe.
- (2) If an ETC violates any of the provisions of Rule Chapter 1220-4-2-.17(1)(c), (d), or (f) during two consecutive quarters within a calendar year, the ETC shall invoke the following QSMs subsection during the next quarter:
 - (a) Installation of Service Orders
 - (i) For service orders covered by subsections 1220-4-2-.17(c) of this rule, an ETC shall, upon request of the customer, waive 50% of the service ordering charges if the service is not installed within ten (10) business days of the ETC's receipt of a completed service order.
 - (ii) For service orders covered by subsections 1220-4-2-.17(d) of this rule, an ETC shall, upon request of the customer, waive 50% of the service ordering charges if the service is not installed within ten (45) business days of receipt of a completed service order.
 - (iii) An ETC shall inform its customers of their right to request the waivers set forth in this subsection.

(b) Customer Trouble Reports

The ETC shall pay to the Authority a fine of \$5.00 per each trouble report in excess of the amount permitted by 1220-4-2-.17(f).

- (3) An ETC shall not be responsible for any Quality of Service Mechanisms set forth herein to the extent that Acts of God, severe weather, or the actions of third parties who are neither owned nor controlled by the ETC caused the invocation of the QSM.
- (4) The ETC shall notify the Authority in writing ten (10) business days prior to invoking the QSMs.
- (5) QSMs are not intended to limit ETCs from providing higher levels of compensation to their customers but rather establish a floor of minimum compensation.
- (6) An ETC that has triggered QSMs shall submit to the Authority a quarterly summary of information providing the number of customers within an exchange receiving the credit or any other information as required by the Authority.

~~1220-4-2-.20 Telephone Number Conservation~~

1220-4-2-.21 Toll Free County-Wide Calling

Telecommunications Service Providers shall provide toll-free calling on calls originating and terminating within the same county consistent with all applicable law.

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight

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